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Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict

I. Introduction

1. The present report, my fourth on the protection of civilians in armed conflict, is submitted pursuant to the request of the President of the Security Council contained in his statement of 20 December 2002 (S/PRST/2002/41).

2. It has now been 5 years since I first initiated the agenda on the protection of civilians in armed conflict and 10 years since the world's silent witnessing of genocide in Rwanda. These important milestones compel us to assess the collective achievements that have been made to better protect vulnerable civilian populations in the height of crises and in their immediate aftermath. They also, however, warrant honest reflection on those areas where action still falls short of needs.

3. Stark and disturbing evidence that civilians continue to bear the brunt of armed conflicts has emanated from four very different types of conflict that have received increased attention over the past 18 months: the conflict in the Darfur region of the Sudan has left more than 1 million civilians, mostly women and children, displaced and struggling to survive in harsh conditions, many others killed or subjected to extreme human rights violations, including rape and sexual violence, and entire villages destroyed; in Côte d'Ivoire more than 500,000 people have been displaced by conflict, civilians have suffered serious and widespread human rights violations, including killings, sexual violence and torture, and specific communities and ethnic groups have been forcibly displaced as a result of violence and harassment; in Iraq the increasingly serious threats to security and continued fighting have resulted in disproportionate and avoidable civilian deaths and injuries, and detainees have been subjected to torture and other serious violations of human rights and international humanitarian law; and in Nepal an upsurge in violence has been accompanied by reports of civilians being killed, tortured, raped, abducted and forcibly recruited. Several other countries, including Afghanistan, the Democratic Republic of the Congo and Liberia, have emerged from long-standing armed conflicts into delicate situations of transition, where many protection challenges increase rather than diminish and the continued engagement of the international community is vital in order to ensure that civilians are not denied the dividends of peace. Compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether they are situations of armed conflict, occupation or transition.

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4. In too many instances, civilians are subjected to extreme violence and are denied life-saving humanitarian assistance. Forced population displacement continues to be either a by-product or a deliberate strategy of warfare. In continued long-term conflicts, the erosion of social support structures has led to the spread of violence and new forms of warfare. Sexual violence as a means of warfare, particularly against women and girls, has increased and become even more horrifying, especially when rape is used as a weapon or as a means to spread HIV/AIDS to the enemy. A prevailing culture of impunity has continued to spur cycles of violence and criminality. Indiscriminate terrorist attacks and counter-terrorism measures that do not always comply with international human rights norms complicate the protection environment. Finally, humanitarian actors are operating in a less secure environment where they are deliberately attacked and are no longer protected by the emblems of the United Nations and the International Federation of Red Cross and Red Crescent Societies.

5. The environment created by long-term conflicts is one in which cross-border and regional factors have assumed increasing importance. It has required additional United Nations peacekeeping operations with more robust mandates and resources, new levels of interaction between civilian and military actors and greater support for institution-building initiatives necessary for peace to hold. It has also galvanized the international community's sense of responsibility towards protecting civilians under threat and its resolve to eliminate impunity. These developments reflect the way forward on an agenda that demands universal implementation and should never be allowed to be turned back.

6. In December 2003, my Under-Secretary-General for Humanitarian Affairs presented to the Security Council the elements of a ten-point platform on the protection of civilians in armed conflict. The ten-point platform embodies many of the key issues set out in the broader protection framework provided by the aide-memoire on the protection of civilians, an updated version of which the Security Council adopted on 15 December 2003 (S/PRST/2003/27, annex). The present report examines the issues outlined in the ten-point platform and identifies specific ways in which performance could be improved.

II. Review of performance on protection

A. Progress made since the previous report

7. The protection concerns I have outlined have demanded a more focused and coherent response over the past 18 months, both at Headquarters and in the field. Security Council resolutions and peacekeeping mandates have regularly identified key protection issues, including the deliberate targeting of civilians, sexual and other forms of violence, the recruitment and use of child soldiers and ensuring humanitarian access to facilitate the delivery of assistance and the safety of United Nations and associated personnel. I welcome the focus on protection concerns in the Security Council missions to the Great Lakes region and West Africa in June 2003 and to Afghanistan in November 2003 and hope that future missions will be used to further the implementation of the Council's resolutions on the protection of civilians in armed conflict, children and armed conflict, and women, peace and security.

8. In line with Security Council resolution 1296 (2000) of 19 April 2000, mandates of peacekeeping operations have been broadened to allow troops to physically protect civilians under imminent threat of violence, as seen in the mandates of the United Nations Mission in Sierra Leone (UNAMSIL) (resolution 1270 (1999)), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (resolution 1417 (2002)), the United Nations Mission in Liberia (UNMIL) (resolution 1509 (2003)), the United Nations Operation in Côte d'Ivoire (UNOCI) (resolution 1528 (2004)) and the United Nations Operation in Burundi (ONUB) (resolution 1545 (2004)). The inclusion in peacekeeping mandates of programmes for the disarmament, demobilization, reintegration and rehabilitation of combatants (UNAMSIL, the United Nations Assistance Mission in Afghanistan (resolution 1401 (2002)), MONUC, UNMIL, UNOCI and ONUB) and of measures to protect refugees and returnees (UNOCI and ONUB) is also key to meeting protection needs. By using its resolutions to stress to all parties to armed conflicts, including non-State armed groups, that human rights violations and denial of humanitarian access are unacceptable, the Security Council reinforces a message that humanitarian and other actors on the ground can use. The Council should continue to systematically emphasize these concerns.

9. The stronger protection focus in peacekeeping mandates has been complemented by swifter deployments of peacekeeping troops when needed to avert an immediate crisis of protection and to restore order. The speed and quality of response has improved through the involvement of new peacekeeping contributions. In Ituri, in the Democratic of the Congo, where ethnic conflicts were escalating dangerously, the situation was stabilized in May 2003 by the rapid deployment of forces by the European Union, authorized by the Security Council. Today, United Nations peacekeeping forces are holding local militias in check and maintaining the peace in a precarious situation. Similarly, the initiative of the Economic Community of West African States (ECOWAS) to rapidly deploy the ECOWAS Mission in Liberia (ECOMIL) in August 2003 made a significant contribution to the protection of civilians, particularly the early interventions in and around Monrovia, to provide security for civilians displaced by the conflict.

10. The humanitarian operational response on the ground has been extensive. In Sierra Leone, the establishment of an internment facility in Mapeh to accommodate armed elements, for example, was an innovative measure to ensure the civilian and humanitarian character of asylum, carried out by the Government of Sierra Leone with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNAMSIL. The International Committee of the Red Cross (ICRC) also assisted. An inter-agency internment task force subsequently assisted the authorities with management, counselling and advocacy and supervised the implementation of an accelerated reintegration procedure for child soldiers by the United Nations Children's Fund (UNICEF), UNHCR and implementing partner non-governmental organizations. UNICEF has launched a back-to-school campaign in Liberia, modelled on the success of a similar programme in Afghanistan, which has already trained some 72,000 teachers, provided school supplies and seen the return of 334,000 boys and girls to the classroom. United Nations mine action programmes are under way in 36 countries where the threat of landmines and unexploded ordnance continues to hamper the delivery of humanitarian and reconstruction assistance and impede the safe return of refugees and internally displaced people.

These are but three examples of humanitarian work that is being carried out in various parts of the world to protect civilians when they need it most.

11. Since my last report (S/2002/1300), the regional dimension of civilian protection is being more consistently addressed by the Security Council, together with regional and subregional organizations. The Council, through its resolutions and its missions to areas of conflict, has increasingly adopted a regional approach to issues such as disarmament, demobilization, reintegration and rehabilitation and the cross-border movement of refugees, combatants and small arms. I am particularly pleased to see regional organizations taking up the protection of civilians agenda — as demonstrated, for example, by the decision of the African Union to appoint a special representative for the protection of civilians in armed conflict, measures taken by ECOWAS and the Organization for Security and Cooperation in Europe and, as already mentioned, the timely deployment by the European Union of rapid-reaction forces to Ituri and the deployment of ECOMIL in Liberia.

12. Such initiatives have been supported by collective mechanisms within the United Nations Secretariat, such as the regional humanitarian meeting for West Africa held in July 2003, at which the basic elements of a regional protection strategy were agreed on, and regional protection workshops in West Africa, the South Pacific, South Asia and Latin America organized by the Office for the Coordination of Humanitarian Affairs. Those workshops have strengthened the engagement of Member States at the regional level and have provided a stronger framework for addressing protection issues more coherently.

13. Efforts to deter war crimes, crimes against humanity and genocide and to break the prevailing culture of impunity in situations of armed conflict have been boosted by the establishment of the International Criminal Court and the jurisprudence of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as the Special Court for Sierra Leone. The formal referrals to the International Criminal Court of the situation in northern Uganda in December 2003 and in the Democratic Republic of the Congo in April 2004 by the respective Presidents of those countries provide civilians with hope that the unconscionable crimes committed against them will not go unpunished. The Security Council's request that the United Nations High Commissioner for Human Rights carry out a special investigation into civilian massacres in the Democratic Republic of the Congo represents a further mechanism for enhancing the protection of civilians.

14. The deeply disturbing issue of sexual exploitation and abuse of women and children in armed conflict by United Nations personnel — both civilian staff and uniformed peacekeeping personnel — has been the focus of considerable attention since my last report. In October 2003 a Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) was promulgated. The bulletin sets out minimum standards of behaviour expected of all United Nations personnel, as well as measures necessary to maintain an environment that prevents sexual exploitation and abuse. Since its issuance, all parts of the United Nations system with a field presence have been working to establish a coherent system for implementation of the bulletin at the field level. Human trafficking, which is a related issue of increasing concern, is being addressed by the Department of Peacekeeping Operations as a policy priority.

15. The importance of maintaining a clear and common understanding of protection, based on my call for a system-wide approach, has been reflected in continued work to strengthen the policy framework and inter-agency coordination within the United Nations system. Key departments and agencies have jointly developed protection tools through the Executive Committee on Humanitarian Affairs Implementation Group for the Protection of Civilians in Armed Conflict, established in January 2003, including the "road map" and the updated aide-memoire on the protection of civilians. Closer coordination has also been evident in the increased use of multidisciplinary assessment missions, such as the joint regional humanitarian field review mission to West Africa (June and July 2003) and the joint Office for the Coordination of Humanitarian Affairs/Department of Peacekeeping Operations mission to the Democratic Republic of the Congo, which has been given the task of evaluating the execution of the humanitarian mandate within a peacekeeping environment and is scheduled for June 2004. I am also encouraged that recent arrangements between the Department of Peacekeeping Operations and UNHCR have included specific measures to secure expertise in assessing the security environment of refugees and returnees.

B. Continuing shortfalls

16. The Security Council has made a number of important commitments to the protection of civilians in armed conflict, in its resolutions 1265 (1999) and 1296 (2000). The following section of the report examines areas already identified by the Security Council as priorities and on which further action is required. These issues, which form the basis of the ten-point platform and most of which feature in resolutions 1265 (1999) and 1296 (2000), are (a) improving humanitarian access to civilians in need; (b) improving the safety and security of humanitarian personnel; (c) improving measures to respond to the security needs of refugees and internally displaced persons; (d) ensuring that the special protection and assistance requirements of children in armed conflict are fully addressed; (e) ensuring that the special protection and assistance requirements of women in armed conflict are fully addressed; (f) addressing shortcomings in our approach to disarmament, demobilization, reintegration and rehabilitation; (g) addressing the impact of small arms and light weapons on civilians; (h) combating impunity; (i) developing further measures to promote the responsibility of armed groups and non-State actors; and (j) ensuring the provision of the necessary resources to address the needs of vulnerable populations in "forgotten emergencies".

1. Humanitarian access

17. In 20 conflicts around the world, humanitarian access is either denied or obstructed for over 10 million people in need of food, water, shelter and medical care. Despite ongoing problems, important strides have been made over the past 18 months in accessing civilian populations in the eastern part of the Democratic Republic of the Congo, with the emerging peace process and a strengthened peacekeeping force. Elsewhere, however, the scene is much bleaker.

18. Since fighting broke out in early 2003 in the Darfur region of the Sudan, most of the people in need of assistance and protection have been beyond the humanitarian community's reach. Restrictions on access continue to deny life-saving assistance to 500,000 civilians in Liberia, 2.2 million in the Central African

Republic and 1.5 million in Côte d'Ivoire. A similar situation exists in Afghanistan, where access to 1 million people in rural areas in the southern and eastern parts of the country is very limited and insecure. Access to 1.2 million people in the northern Caucasus district of the Russian Federation, including displaced populations and returnees, continues to be of concern. In northern Uganda, the number of people completely dependent on humanitarian assistance has increased dramatically — from 1 million to 1.6 million in the past 12 months alone — and humanitarian access is largely dependent on the uncertain provision of military escorts by the Government of Uganda. In the occupied Palestinian territory, security constraints on humanitarian assistance for 3.5 million civilians have worsened following the construction of a barrier through the West Bank, which is having a profound humanitarian impact on civilians by separating Palestinian communities from their land, jobs and markets and severely limiting their access to food, water and power supplies and essential social services, including schools and hospitals.

19. Efforts to secure more consistent humanitarian access need to be made on the basis of structured and coordinated negotiations. The strategic support of Member States, particularly neighbouring States, and regional organizations is critical, and I urge the Security Council to engage regional organizations as soon as an access crisis is brought to its attention. Security Council missions to conflict areas can assist by highlighting the need for humanitarian access in discussions with Governments. I also call for the further development of a coordinated system for Member States to provide material and financial support and standby teams of technical experts for rapid deployment to situations where insecurity (e.g., landmines) and the collapse of critical infrastructure (e.g., bridges) can create risks and delays in the distribution of humanitarian assistance. The United Nations operational framework for rapid response to mine and unexploded ordnance problems in emergencies is an example of an existing mechanism that enables rapid deployment of appropriate assets to assist in the delivery of humanitarian support.

2. Security of humanitarian personnel

20. The direct attacks on United Nations staff and other humanitarian personnel in Iraq, particularly the bombings of the United Nations and ICRC headquarters in Baghdad on 19 August and 27 October 2003 respectively, are tragic reminders of the new and dangerous environment in which humanitarian workers currently operate. Since my previous report, 27 United Nations staff members have been killed, while more than 426 others have been assaulted, held hostage or otherwise harassed in a range of situations, including in Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Iraq, the Russian Federation (northern Caucasus) and the occupied Palestinian territory. In Burundi and Somalia, personal threats against members of international organizations restrict their ability to assess and monitor humanitarian needs and response. These events mark a disturbing trend of disregard for humanitarian principles and deliberate targeting of humanitarian workers for political or tactical purposes.

21. A sustained humanitarian presence to provide protection and assistance wherever needs exist is fundamental to the humanitarian mandate. In many cases, the deliberate targeting of humanitarian workers, including the taking of hostages, is intended to disrupt or stop international and humanitarian efforts to provide assistance and to deprive civilians of the protection an international presence affords. Attacks on humanitarian workers lead to restrictions on relief programmes,

the forced withdrawal of staff and concomitant difficulties in resuming humanitarian action. New threats mean that the active support and acceptance of local communities that has traditionally underpinned the security of humanitarian actors is no longer a sufficient guarantee. For humanitarian agencies to continue to be effective in this changed environment, collective approaches to protection and security coordination efforts will need to be reinforced. Supplementary legal measures to expand the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel are also needed. I urge the Security Council to systematically condemn all attacks on United Nations personnel and other humanitarian workers and call upon Member States on whose territory such attacks occur to arrest and prosecute or, as appropriate, extradite those responsible. The perpetrators of such attacks must be held accountable, as affirmed in Council resolution 1502 (2003) of 26 August 2003.

3. Refugees and internally displaced persons

22. There are currently 50 million people who have been displaced from their homes by conflict. In the Sudan alone, an estimated 4 million people are internally displaced, together with more than 3 million people in the Democratic Republic of the Congo and 1.6 million in Uganda. Some 2 million people are internally displaced in Colombia, with many more actively prevented from leaving their homes. Safety for refugees and the internally displaced within camps and in host communities continues to be a matter of international concern, as is the security of States hosting large refugee populations or with such populations near their borders. Armed elements infiltrate camps in order to recruit or abduct men, women and children for military and other purposes and to appropriate food and other goods, endangering not only the inhabitants of the camps but also the hosting communities. The presence of armed elements and combatants in refugee and internally displaced settings blurs the civilian character of camps and exposes civilian populations to the increased likelihood of attack by opposing forces, especially where camps are perceived to serve as launching pads for cross-border attacks, as has been the case in Côte d'Ivoire. Moreover, the presence of combatants or armed elements in camps for refugees and internally displaced persons can destabilize an entire subregion or region and must be addressed through the identification, disarmament and internment of the combatants. To this end, I encourage Member States to support the outcomes of the UNHCR-convened meeting of experts on maintaining the civilian and humanitarian character of asylum, to be held in June 2004.

23. There has been progress at the regional level, particularly in West Africa, where the humanitarian community and Governments of the region have recognized the importance of developing common protection policies and frameworks to address cross-border flows of refugees between Guinea, Liberia and Sierra Leone. Member States, UNHCR and other humanitarian partners need to develop measures to protect refugees and internally displaced persons from forced military recruitment and to raise awareness, in particular targeting children through educational and public information campaigns. I am pleased to see such protection efforts being initiated on a regional basis.

24. New displacement within borders continues to prolong conflicts and to endanger peace processes, as has occurred most recently in Côte d'Ivoire. Governments bear the primary responsibility to protect, assist and respect the rights of internally displaced persons. Use of the Guiding Principles on Internal

Displacement, which bring together existing provisions under international humanitarian law, human rights law and refugee law by analogy, has been encouraged by the General Assembly and the Commission on Human Rights, as well as by regional and subregional organizations. National authorities should respond by developing and implementing national legislation and policies based on the Guiding Principles. When Governments are unwilling or unable to address the humanitarian needs of the internally displaced, the international community must respond. Through the Inter-Agency Internal Displacement Division of the Office for the Coordination of Humanitarian Affairs, greater collaboration now exists among humanitarian agencies involved in protection of the internally displaced, but further efforts are required to ensure that this response is consistent and comprehensive in all situations of internal displacement.

25. The safe and voluntary return and successful reintegration of refugees and displaced persons in post-conflict scenarios require a wide range of measures, including assistance and physical protection during transit as well as after return, landmine clearance and mine-risk education and measures to ensure respect for human rights, to promote reconciliation and to restore legal and other rights essential to reinsertion, such as property rights, access to personal documentation, access to employment and compensation for loss of property. To avoid the recurrence of displacement, greater coordination is needed with development partners in post-conflict scenarios to address the root causes of displacement, including poverty and the politics of exclusion.

4. Specific issues related to women and children

26. Women and children, especially girls, have suffered disproportionately in situations of armed conflict over the past 18 months. Conflicts continue to displace hundreds of thousands of women and children from their homes, to cause dramatic increases in female- and child-headed households and to undermine the important role of women as economic producers and providers of protection. The recruitment and use of children as soldiers in conflicts in Burundi, Colombia, the Democratic Republic of the Congo, the Sudan, northern Uganda and West Africa persists. Other thematic reports submitted to the Security Council on women, peace and security (S/2002/1154) and children and armed conflict (A/58/546-S/2003/1053 and Corr.1 and 2) address those issues in greater depth. The particular gravity of the suffering inflicted on women and children in armed conflict and the persistent violation of their human rights and fundamental freedoms demand, however, that some key issues be addressed in the present report.

27. The prevalence of sexual violence and other particularly abhorrent human rights abuses against women and children in situations of armed conflict, including in Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Liberia, western Sudan and northern Uganda, where humanitarian reports indicate an acute problem, has demanded the increased attention of Member States, the Security Council and the United Nations Secretariat. Strategies aimed at preventing and responding to sexual and gender-based violence in the field have included practical policies and guidelines prepared by United Nations departments and agencies, improvements in the design of peacekeeping and assessment missions to include gender advisers and child protection advisers and improved health services focused on sexual and reproductive health and the prevention of HIV/AIDS.

28. Despite those efforts, however, we are failing in our collective responsibility to protect women and children from the increasing horrors of sexual and gender-based violence. Extraordinary protection measures are needed. According to recent reports, in numerous villages and displacement camps in Darfur, women and children are being systematically raped. In the Democratic Republic of the Congo, tens of thousands of women and children, ranging in age from babies to women in their eighties, have been subjected to unspeakable forms of sexual violence. Such actions are all the worse for their long-term impact on society and reconciliation processes. Many of the women and children who miraculously survived the genocide in Rwanda are now dying of HIV/AIDS, a horrific legacy of the sexual violence to which they were subjected 10 years ago. Their plight today remains largely unacknowledged and they are receiving inadequate assistance.

29. In the planning and implementation of all peace support operations, the need to respond to sexual and gender-based violence, including through more effective physical protection and monitoring and reporting must be factored in and ways must be sought to enhance the overall participation of women in all aspects of the mission's mandate. Personnel-contributing countries should ensure that all mission personnel are trained prior to deployment on the rights and specific protection needs of women and children, particularly victims of sexual and gender-based violence. Increased donor support for programmes focused on the rights of women and girls, particularly those related to sexual violence and to HIV/AIDS and other sexually transmitted diseases, is critical. It is essential that the international response link closely with and support the capacity of national and community-based initiatives and women's groups, thus ensuring that actions are contextually relevant and effective.

30. In such violent and distressing circumstances, peacekeepers and United Nations staff must demonstrate exemplary personal conduct and behaviour. As a follow-up to the Secretary-General's bulletin on sexual exploitation and abuse, transparent monitoring and accountability structures will be established to ensure a gender-sensitive response to allegations of sexual exploitation and abuse, as well as complaint, reporting and follow-up procedures. The bulletin should also inspire the inclusion of gender considerations as a priority in peacekeeping and humanitarian missions. The bulletin is not binding on uniformed personnel, however, as they fall under the jurisdiction of their own Governments. In order to be truly effective, therefore, the efforts within the United Nations system need to be reinforced by demonstrated action on the part of national Governments whose military and police personnel serve in peacekeeping operations, including punitive measures against offending personnel. I encourage the Security Council to urge personnel-contributing countries to cooperate fully in this effort. Minimum standards of behaviour required of peacekeepers, based on the Secretary-General's bulletin, should be incorporated into the standards and codes of conduct for national armed forces and police forces, and information should be provided on any legal action taken against those charged with violations, an area in which the Department of Peacekeeping Operations has received woefully inadequate information.

31. The ready availability of small arms and the declines in educational and job opportunities that accompany long-term cycles of violence serve to increase the vulnerability of youth to engagement in armed groups. As a consequence, there is an emerging subculture of youth violence. In West Africa youth violence undermines the security of the subregion, and comprehensive regional protection solutions are

needed not only to address the particular needs of young people brutalized by war, but also as an important element of conflict prevention in neighbouring States. I encourage ECOWAS to develop strategies to combat youth violence and call upon donor countries to provide increased assistance to ECOWAS, as recommended by the Security Council mission to West Africa, to promote and support such strategies. Sustained, well-designed and well-resourced disarmament, demobilization, reintegration and rehabilitation programmes are fundamental. Education and skills training are also intrinsically linked to stemming a culture of youth violence, with many young people citing lack of access to formal or informal education as one of the primary factors motivating them to join armed groups. Similarly, greater emphasis is needed on public campaigns and programmes that promote positive and non-violent messages challenging the cult of the gun. It is critical that programmes to address youth violence not create resentment and division by seeming to favour wrongdoers, and that such programmes focus on the vital role that young people themselves have to play in promoting a culture of peace.

5. Disarmament, demobilization, reintegration and rehabilitation

32. Despite increased recognition that failed disarmament, demobilization, reintegration and rehabilitation initiatives carry with them the risk of a return to violence, such programmes remain chronically under-resourced, particularly in the rehabilitation and reintegration phases. Effective disarmament, demobilization, reintegration and rehabilitation programmes require sustainable reintegration of combatants into their home communities, which necessarily involves economic and social support to local communities shouldering the burden of reintegration. It is therefore imperative that the relevant legislative bodies of the United Nations work to ensure that secure and adequate funding is available (including from the regular budget and peacekeeping assessed budget) from the outset.

33. The planning and coordination of disarmament, demobilization, reintegration and rehabilitation remain particularly problematic. Integrated Headquarters and field planning structures and processes, including comprehensive policies, guidelines and standard operating procedures, are needed in order to improve the design and implementation of such programmes, as well as to engender more effective coordination and cooperation, both across the United Nations system and with implementing partners, such as national bodies and non-governmental organizations. In the light of the complex and overlapping roles played by a range of actors involved in the various elements of disarmament, demobilization, reintegration and rehabilitation, a more consistent and effective allocation of tasks is needed. The development of a coherent and integrated approach that effectively connects disarmament and demobilization with the reintegration phase remains an important priority.

34. Other fundamental barriers to effective disarmament, demobilization, reintegration and rehabilitation include the failure to address the relevant issues on a regional basis and inadequate recognition of the role of local civil society, especially women's groups and grass-roots community organizations, for example, the pivotal role of the Women in Peace-building Network in Liberia. Ultimately, ex-combatants must reintegrate themselves and communities must be willing to accept them. It is therefore crucial to seek a balance between managing the often very high expectations of ex-combatants and addressing the resentment of "favouritism" among the rest of the population. The participation of local civil society and grass-

roots community organizations needs to be encouraged accordingly and supported to the maximum extent possible. Greater engagement with and participation by regional organizations and arrangements and their Governments, particularly those of neighbouring States, is also critical.

35. The specific needs of child soldiers, women combatants and their dependants and others associated with fighting forces — including those who have been displaced — are not being adequately addressed. Disarmament, demobilization, reintegration and rehabilitation programmes are increasingly incorporating gender perspectives and child- and female-specific components that are planned, executed and evaluated within the framework of the central disarmament, demobilization, reintegration and rehabilitation committees and monitoring bodies (e.g., provision for children to enter programmes without being required to produce weapons or perform weapon tests and the establishment of interim care centres, staffed by female caregivers, to assess and address health issues specific to women and girls). In order to enable child soldiers to be transferred to civilian care as soon as possible, their demobilization should not be delayed pending formal disarmament, demobilization, reintegration and rehabilitation processes. I encourage the Security Council to continue to support measures aimed at ensuring that women and children affected by armed conflict are involved in and benefit equitably from all such processes. All relevant resolutions including disarmament, demobilization, reintegration and rehabilitation measures should address the specific roles, needs and capacities of women and girls. Greater emphasis also needs to be placed on girl soldiers as a priority group, the reinsertion of female combatants and dependants and the specific stigmatization that women often face.

6. Small arms and light weapons

36. Conflicts are often prolonged because of the unchecked proliferation of small arms and light weapons, specifically the rearming of militias and local defence forces. With unregulated cross-border flows of weapons, escalated conflicts can become regional, killing hundreds of thousands of people each year and destroying the lives of thousands more. The issue is one of both supply and demand and involves private companies, security services and certain Governments engaging in arms sales. The effects are clear in Colombia, the Democratic Republic of the Congo, Haiti, Iraq and the Middle East, the Sudan and West Africa, among other conflict areas.

37. Greater vigilance is needed from Member States to ensure that legal exports are not diverted into illicit arms flows or used to commit human rights abuses or to violate international law. Embargoes should be extended to cover not only arms but also the provision of military services in order to prevent private sector actors and Governments from engaging in commercial activities with parties to armed conflict that might result in or contribute to violations of international law. I would further encourage the Security Council to establish monitoring mechanisms for arms embargoes to oversee their enforcement and to impose coercive measures against Member States that deliberately violate them. The engagement of neighbouring States, regional organizations and, where appropriate, peacekeeping missions is fundamental in this process. In West Africa, for example, UNAMSIL, UNMIL and UNOCI have taken up the issue of small arms proliferation within the region, together with ECOWAS. The lasting resolution of conflict remains in many cases dependent on the comprehensive collection and disposal of weapons. The use by

Mozambique of ex-combatants to identify arms caches provides an example of best practice.

38. The United Nations response to small arms and light weapons issues is being led by the Coordinating Action on Small Arms (CASA), an inter-agency mechanism that, through its participating offices and agencies, provides assistance to States in a wide range of areas, such as policy advice, institution-building, legislation development, weapon collection and destruction, stockpile management and disarmament, demobilization, reintegration and rehabilitation. I encourage Member States to make use of the assistance that CASA can provide, as well as to develop an international instrument to identify and trace illicit small arms and light weapons and to establish the measures necessary to control their export and transit.

7. Impunity and compliance

39. The tenth anniversary of the Rwanda genocide should compel us to work harder to ensure that the Geneva Conventions and other instruments of international humanitarian and human rights law are adhered to and reinforced in all situations of armed conflict and that large-scale or systematic international crimes do not go unchallenged and are prevented or stopped as early as possible. My decision to appoint a Special Adviser on the Prevention of Genocide is intended to provide early warning of situations of concern and a better basis for action by the United Nations. The States on whose territory such crimes are being committed bear the foremost responsibility, but in the absence of timely and appropriate action by a State, the responsibility to respond falls to the international community. A series of gradated measures to be carried out by the Security Council, the broader United Nations system and the international community as a whole are required to respond to evidence of widespread crimes against civilians. Measures that the Council could consider include better monitoring and evaluating crisis situations (e.g., by requesting ad hoc missions by the High Commissioner for Human Rights), forceful demands that the parties cease their attacks on civilians and comply with their obligations under international law, the threat and imposition of sanctions when obligations continue to be breached, referrals to the Prosecutor of the International Criminal Court for investigation under article 13 (b) of the Rome Statute (where the national jurisdiction is unwilling or unable to act) and the rapid deployment of an appropriate force with an explicit mandate and adequate means to protect civilian lives. I urge those Member States that have not yet done so to ratify or accede to the statute of the International Criminal Court, as well as to the treaties concerning international humanitarian, human rights and refugee law, and to take all appropriate legislative, judicial and administrative measures to fully implement those treaties within national systems. This year's United Nations treaty event ("Focus 2004"), the theme of which is the protection of civilians, provides a timely opportunity for such treaty action.

40. The tragic legacy of Rwanda also underlines the need to ensure that justice is delivered efficiently and expeditiously. Post-conflict situations require processes of both reconciliation and justice, and more effective mechanisms need to be developed to better link those processes, drawing on the lessons of Sierra Leone and Timor-Leste. The case of Sierra Leone highlights the dangers of an imbalance between resources, efforts and outcomes. Accountability mechanisms must address crimes committed against those most affected by the conflict, for example, minorities, women, children and people who have been displaced, and provide special measures

for their full participation and protection in proceedings. By investing long-term political, technical and financial support in re-establishing judicial mechanisms and the rule of law in war-torn societies and helping them to mature, the international community will help to build the foundations necessary for sustainable peace and democracy. Issues of transitional justice will be examined at greater length in my forthcoming report on justice and the rule of law.

8. Responsibility of non-State armed groups

41. Violent attacks on civilians and denial of humanitarian access by non-State armed groups are common characteristics of today's armed conflicts. Promoting respect for international humanitarian law and human rights norms and providing humanitarian assistance to populations in areas under the control of armed groups require dialogue with those groups, whether they are highly organized with strong ideological/political motivations or gangs of bandits. The designation of certain non-State armed groups as terrorist organizations has had an adverse impact on opportunities for humanitarian negotiations. The prohibition on dialogue with armed groups in Colombia, for example, has resulted in severe restrictions on access to populations in need. A coherent approach to engagement with non-State armed groups by the international/humanitarian community is crucial in order to avoid manipulation by the armed group concerned, as is recognition of the neutral and impartial nature of United Nations humanitarian operations. Political pressure and bilateral diplomacy is vital to supporting dialogue between humanitarian agencies and non-State actors over issues of protection and access. Regional organizations and neighbouring countries play a particularly important role, and I therefore recommend the establishment of a framework within which the United Nations could engage with regional organizations more systematically on humanitarian issues related to protection and access and better address those issues at the regional intergovernmental level.

42. In order to determine the legitimacy of armed groups' involvement in new State/government structures, measures of compliance in respect of their treatment of civilians and provision of humanitarian access need to be developed in order to exclude those involved in gross human rights violations. Last year the Security Council established an important precedent for such an approach in its resolution on the Democratic Republic of the Congo (1468 (2003)), in which it called upon the Congolese parties to take into account the commitment and record of individuals with regard to respect for international humanitarian law and human rights when selecting individuals for key posts in the transitional government. Nonetheless, it remains to be seen whether this aspect of the resolution is being respected in letter and in spirit. More serious consideration also needs to be given to the imposition of travel restrictions and targeted sanctions (particularly in respect of small arms and military assistance) against armed groups that blatantly violate international humanitarian law and human rights standards and prevent humanitarian access to populations in need.

9. Forgotten emergencies

43. The flows of humanitarian funding for complex emergencies remain skewed. In many conflict situations where the protection needs are greatest — in the Central African Republic and the Democratic Republic of the Congo, for example — funding is at its weakest. In 2003, 18 out of 21 United Nations humanitarian appeals

were underfunded. Humanitarian appeals in 2003 for 13 African crises sought $2.2 billion, and less than half of that amount was received. Meanwhile, the $1 billion sought by the United Nations appeal for Iraq was fully met by donors. This reflects the harsh reality that political interests, strategic priorities and the media spotlight create enormously disproportionate responses, with very high levels of funding and resources channelled to high-profile conflicts, as in the former Yugoslavia in the 1990s and more recently in Afghanistan and Iraq, in stark contrast to other crises perceived to be less strategically important.

44. The result is a large number of emergencies that appear to be forgotten or ignored unless the violence escalates to such a level as to warrant a discussion by the Security Council. In the case of northern Uganda, I am grateful to the Council for its new level of engagement in and serious response to a horrific and neglected humanitarian crisis following the mission to Uganda by my Emergency Relief Coordinator and the subsequent briefings to Council members.

45. On a more systemic level, I urge the Security Council to consider carefully the links between the maintenance of international peace and security and the timing and lack of balance of funding in certain crises. Protection functions and well-designed and well-resourced disarmament, demobilization, reintegration and rehabilitation programmes are examples of the potential support for certain essential humanitarian costs that could be integrated as core costs into the mission plans and mandates of peacekeeping operations, including those in Burundi, Côte d'Ivoire, and the Sudan, as well as all future peacekeeping missions. This more comprehensive and multidimensional approach is vital if peace and a return of social stability are to take hold.

III. Way forward

46. An even clearer agenda is needed to ensure that the implementation of agreed priorities for civilian protection is sustained in an increasingly complex and unpredictable global political context. For its part, the United Nations system will continue to provide well-coordinated humanitarian protection and assistance and to strengthen it wherever possible with more precise monitoring, reporting and systematic data-gathering. Areas in which the impact of conflict could be more systematically measured, documented and used for effective humanitarian diplomacy, operational planning and appeals for funding include the number of civilians killed, tortured or displaced, the number of civilians totally or partially denied access to humanitarian assistance and protection, the number affected by sexual violence, security issues of refugees and the internally displaced, whether in camps or in host communities, the number who benefit from successful disarmament, demobilization, reintegration and rehabilitation programmes and the progress made by States in adopting measures to strengthen the protection of civilians.

47. The Under-Secretary-General for Humanitarian Affairs will provide an outline for this enhanced monitoring and reporting framework in his next update to the Security Council, in December 2004. This will provide a more empirical basis on which to review emerging challenges to humanitarian action and the impact on the protection of civilians and to ensure that the collective commitment to protection

properly reflects those shifts. Two key themes that need to be addressed are regional approaches to protection and the interface between protection and peace processes.

A. Regional approaches to protection

48. The most protracted conflicts of today have developed regional dimensions and created new dynamics that extend well beyond the border of a single country, increasingly inhibiting resolution of the conflict. Serious cross-border issues include the flight of civilians forced to flee their homes and seek shelter across borders, the risk that armed elements will infiltrate camps intended for refugees and internally displaced persons and will use them also as places in which to regroup and to recruit new fighters (typically children and adolescents) and the disarmament and demobilization of combatants. Such protection issues worsen when they cross borders, and require clearer recognition by neighbouring States of their responsibilities in addressing them.

49. Other protection issues, such as human trafficking, the illicit flow of arms and the illegal exploitation of natural resources, are not confined to the control of States and require regional mechanisms and commitments if they are to be properly addressed. The regional and international communities, in turn, have a responsibility to provide targeted long-term assistance to weak States to strengthen their institutions, to respond at an earlier stage in humanitarian crises and to maintain a robust presence in post-conflict countries to promote respect for human rights, the consolidation of good governance and peace-building processes. This will be easier in those parts of the world that already view themselves as a regional grouping and operate at that level in some capacity.

50. Regional partnering to address cross-border issues and their root causes has already begun in West Africa, where I established the Office of the Special Representative of the Secretary-General for West Africa to harmonize United Nations efforts, including with ECOWAS and the Mano River Union. Operation Blue Vigilance of UNAMSIL is an example of collaboration on joint security patrols and common border management in sensitive areas, including human rights monitoring. Such collaboration serves as an important capacity-building and confidence-building exercise for the police, armed forces and customs services at regional levels.

51. Effective monitoring and reporting mechanisms to gather timely and accurate data on cross-border problems, to be shared with regional security and other relevant actors, are also essential. I therefore urge the Security Council to commission a study on how to improve modalities for monitoring and reporting on cross-border issues in crisis and post-conflict situations, including reporting on the perpetration of core international crimes and compliance with existing regional agreements (for example, the moratorium on weapons in West Africa).

B. Protection and peace processes

52. Unless peace processes properly address concerns about the protection of civilians, they can be easily compromised and difficult to sustain. Guarantees for the protection of civilians constitute a critical measure of the level of commitment to a peace process, and therefore the focus cannot be on security and political

developments alone. Societies in conflict expect and deserve the fruits of peace, not merely an end to fighting. Often the urgent need to restore peace is so great, however, that a less-than-perfect peace process is the necessary compromise. Nonetheless, at a minimum ceasefire and peace agreements must include a commitment by parties to conflict to immediately cease all attacks on civilians, to facilitate humanitarian access, to create conditions conducive to the safe and sustainable return of refugee and internally displaced persons, to ensure the safety of humanitarian personnel and to disarm and demobilize combatants. Peace agreements must also provide for the development and strengthening of national human rights protection systems. While amnesties may constitute an important measure for dealing with lesser crimes, they must never be granted for serious violations of international humanitarian and human rights law. Finally, in recognition of the importance of physical obstructions to peace, peace agreements should also include commitments to undertake mine clearance as early as possible, based on the United Nations Mine Action Guidelines for Ceasefire and Peace Agreements, and incorporate measures to reduce the ready availability of weapons.

53. In countries recovering from conflict, sustainable peace ultimately depends on changes in attitude and behaviour within society, yet far too often peace processes are seen as the automatic prerogative of combatant forces. The legitimacy of a faction's engagement in peace processes should not be automatic, but should instead be based on its commitment to unhindered humanitarian access, to protecting civilians in areas under its control and to respecting human rights norms. All sectors and elements of society — not just fighting forces — need to be represented in peace processes so as to ensure a social climate conducive to sustainable peace. The critical contribution of women in facilitation, mediation and reconciliation efforts needs to be recognized by ensuring their full and equal participation, and the integration of gender perspectives, in all peace processes.

54. The restoration of property, land and housing rights is key not only to the voluntary return of refugees and internally displaced persons, but also to the overall sustainability of peace processes. The current situation in Burundi, with 1.6 million refugees and internally displaced persons out of a total population of 10 million, serves to emphasize the critical importance of adequately addressing issues of return and reintegration.

55. Special attention also needs to be devoted to assisting the survivors of sexual violence, and their communities. Sexual violence is one of the most complex issues confronting the international community and the time has come to address it comprehensively. Beyond the devastating physical, psychological, emotional and social trauma suffered by the women and children who are brutally attacked, these abhorrent crimes undermine cultural values and community relationships and can destroy the very ties that bind society together. Peace processes must offer sustained health, psychosocial and economic support to the survivors, as well as concerted efforts to address the culpability of the perpetrators. Processes of justice and reconciliation are critical responses to these and other grave violations of international humanitarian and human rights law and, ultimately, to sustainable peace. The need for reconciliation in post-conflict situations must be tempered with a clear commitment to ending impunity for serious violations of international humanitarian and human rights law. It has been argued that focusing on punishment for past atrocities can destabilize post-conflict situations and undermine national reconciliation. Impunity, however, can be an even more dangerous recipe for sliding

back into conflict. Thus, where sustainable peace is the goal, the question is not whether to focus on accountability and justice, but rather when and how.

56. Since the issuance of my last report, the United Nations has launched a concerted effort to improve the support provided to countries making the transition from conflict to peace. A successful transition requires the ability to respond rapidly to time-bound activities, such as disarmament, demobilization, reintegration and rehabilitation, as well as to longer-term processes, such as the establishment of structures for justice and security. For this reason, each peace process should be underpinned by a coherent strategy for all United Nations actors, complemented by appropriate strategies on the part of donors and the international community. The main goal is the consolidation of peace, and the protection of civilians is at the heart of this goal.

IV. Concluding observations

57. In the five years since the framework to strengthen the protection of civilians in armed conflict was initiated, the system of public international order has been under unprecedented strain. This is a very critical juncture in a year when larger and more complex United Nations peacekeeping missions are called for. At the same time, multilateral approaches to peace and security have been challenged. Greater public and international awareness of the Geneva Conventions on the conduct of war and the Additional Protocols thereto has not been translated into action. In the 18 months since the issuance of my last report, the very fundamentals of international humanitarian law and human rights have been under great pressure, and there are concerns that counter-terrorism measures have not always complied with human rights obligations. The promotion and protection of human rights must be central to an effective strategy to counter terrorism.

58. The present report has examined a number of issues that are key to developing the ten-point platform, which is designed to strengthen the protection of civilians in conflicts. It is a set of issues that the Security Council has already agreed in the past is of the highest priority, and it is now a matter of urgency that we deliver on these commitments. To fail will put long-agreed standards of international humanitarian law and human rights law, which are the foundations of humane and appropriate conduct in war, at grave risk. These fundamental human rights are the basis of international moral order that nations must respect, especially in times of war and fear.

59. I urge the Security Council to engage fully with these issues in order to be prepared to address important new challenges to the environment for protecting civilians. Formal military capacities, supporting multilateral peacekeeping operations and coalitions of the willing, are stretched as never before. The nature of warfare continues to change, and there are now many more actors and parties involved in conflicts. These include armed groups and militias, mercenaries, private military contractors and borderless terrorist networks. This evolving environment and the diversity of new actors creates circumstances where certain groups may evade responsibility entirely. This requires better regulation and standards of accountability for armed forces, as well as for private sector groups actively engaged with or working in support of militaries.

60. Humanitarian actors in conflicts have also multiplied. In addition to local authorities, United Nations personnel, the Red Cross and Red Crescent movement and the international relief and human rights bodies, new players include commercial subcontractors and for-profit organizations. Here, too, accountability and responsibility have become diffuse. Humanitarian protection relies on a form of social contract with the community, where the humanitarians are accepted and their work facilitated. This acceptance and the implicit support of the civilian community allow the conditions needed for the provision of humanitarian assistance. If the social contract is damaged, if there is a failure to understand it or if it is actively violated, effective humanitarian action and protection are threatened.

61. The international community must now recommit itself to the principles of international law based on justice, peaceful settlement of disputes and respect for human dignity. These principles impose necessary limits on violence and on permissible behaviour in conflicts and set minimum standards for treatment to which people are entitled as human beings. It is from these agreed standards that the United Nations framework for the protection of civilians in armed conflict has arisen and evolved. It can achieve moral authority and credibility only through principled, consistent and effective practice.